

LOUISIANA PROFESSIONAL ENGINEERING
AND LAND SURVEYING BOARD
9643 BROOKLINE AVENUE, SUITE 121
BATON ROUGE, LOUISIANA 70809-1443
(225) 925-6291

IN THE MATTER OF:)
)
BEAU A. BARBERA, P.E.)
)
RESPONDENT)
)
)
)
_____)

CASE NO. 2021-67

Received

OCT 24 2022

By LAPELS Enforcement

CONSENT ORDER

The Louisiana Professional Engineering and Land Surveying Board [hereinafter the “Board”], by and through its Executive Director, pursuant to authorization by the Board, and Beau A. Barbera, P.E. [hereinafter “Respondent”] hereby agree to the following:

Respondent became licensed in the State of Louisiana as a professional engineer, number PE-40756, effective May 11, 2016.

An investigation was opened based upon the Board’s receipt of three Affidavits of Complaint and documents which suggested that Respondent may have committed violations of the Board’s laws and/or rules. The investigation disclosed that between July 8, 2021 and July 9, 2021 (a) Respondent copied and affixed the seal and forged the signature of a Louisiana licensed P.L.S. to a Resubdivision Plat that Respondent also edited although Respondent was not licensed as a PLS; of a Resubdivision Plan that the licensed P.L.S. had prepared; (b) Respondent forged the signature of a Louisiana licensed P.E., as Director of Development For East Baton Rouge City Parish on that same Resubdivision Plat, (c) Respondent forged the signature of the Planning Director for East Baton Rouge City- Parish Planning Commission on that same Resubdivision Plat, (d) Respondent prepared by editing the previously edited Resubdivision Plat previously prepared by a licensed surveyor with boundary information and Respondent is not a licensed Louisiana P.L.S.; and (e) Respondent caused the resubdivision plat that he fraudulently created and containing the forged signatures that Respondent forged to be recorded with the Clerk of Court in East Baton Rouge Parish.

La. R.S. 37:698 (A)(2), prohibits licensees from engaging in any fraud, deceit, gross negligence, material misrepresentation, gross incompetence, or gross misconduct in the practice of engineering or land surveying; La. R.S. 37:698(A)(6), prohibits licensees from violations of any provision of this Chapter (La. R.S. 37:681-704) or any rules or regulations promulgated by the Board, *to wit*, LAC 46:LXI §2503(A) which provides licensees shall hold paramount the life, health, property and welfare of the public in the performance of their professional duties, and LAC 46:LXI §2503(B), which provides that licensees shall at all times recognize that their primary obligation is to protect the life, health, property, and welfare of the public; La. R.S. 37:698(A)(13), prohibits licensees from knowingly making or signing false statements, certificates, or affidavits in connection with the practice of engineering or land surveying; La. R.S. 37:698(A)(15), which prohibits licensees from presenting or attempting to use as one's own the license, certificate, seal, or stamp of another person; La. R.S. 37:698(A)(17), which prohibits licensees from falsely impersonating any other licensee or certificate holder of like or different name; La. R.S. 37: 37:681 which requires anyone practicing or offering to practice land surveying to be licensed as a land surveyor in the State of Louisiana; La. R.S. 37:700(A)(1), which prohibits a person not licensed as a land surveyor from and falsely impersonating any licensee or certificate holder of like or different name; La. R.S. 37:700(A)(2) which prohibits a person not licensed as a land surveyor from presenting or attempting to use as one's own the license, certificate, seal, or stamp of another person; and La. R.S. 37:700(A)(4) which prohibits a person not license as a land surveyor from falsely impersonating any license or certificate holder of like or different name; La. R.S. 37:698(H) permits the Board to take disciplinary action against licensees who violate La. R.S. 37:698(A)(2), (6), (13), (15) or (17); and LAC 46:LXI §2503(A) or (B), upon a finding of guilt following the preferral of charges, notice of hearing and a majority vote of its entire membership authorized to participate in the proceeding. La. R.S. 37:700(H) permits the Board to take enforcement action against persons who violate La. R.S. 37:681 and La. R.S. 37:700(A)(1), (2), or (4), upon a finding of guilty following the preferral of charges, notice of hearing and a majority vote of its entire membership authorized to participate in the proceeding.

La. R.S. 37:681, La. R.S. 37:698(A)(2), (6), (13), (15) and (17); and LAC Title 46:LXI§2503(A), and (B); La. R.S. 37:700(A)(1), (2), (4), and La. R.S. 37:700(H), were all in effect at all times material hereto.

It is undisputed that

(a) Respondent copied and affixed the seal and forged the signature of a Louisiana licensed P.L.S. to a Resubdivision Plat that Respondent also edited although Respondent was not licensed as a PLS; of a Resubdivision Plan that the licensed P.L.S. had prepared;

(b) Respondent forged the signature of a Louisiana licensed P.E., as Director of Development for East Baton Rouge City Parish on that same Resubdivision Plat,

(c) Respondent forged the signature of the Planning Director for East Baton Rouge City-Parish Planning Commission on that same Resubdivision Plat,

(d) Respondent prepared by editing the previously edited Resubdivision Plat previously prepared by a licensed surveyor with boundary information and Respondent is not a licensed Louisiana P.L.S.; and

(e) Respondent caused the resubdivision plat that he fraudulently created and containing the forged signatures that Respondent forged to be recorded with the Clerk of Court in East Baton Rouge Parish.

By letter dated October 17, 2022, the Board gave notice to Respondent that it was considering the preferral of charges against Respondent on the grounds that Respondent may have violated:

(a) La. R.S. 37:698 (A)(2), Any fraud, deceit, gross negligence, material misrepresentation, gross incompetence, or gross misconduct in the practice of engineering or land surveying;

(b) La. R.S. 37:698(A)(6), Violations of any provisions of this Chapter or any rules or regulations promulgated by the Board, to wit LAC 46:LXI §2503(A), Licensees shall hold paramount the life, health, property and welfare of the public in the performance of their professional duties; and LAC 46:LXI §2503(B); Licensees shall at all times recognize that their primary obligation is to protect the life, health, property, and welfare of the public;

(c) La. R.S. 37:698(A)(13), Knowingly making or signing false statements, certificates, or affidavits in connection with the practice of engineering or land surveying;

- (d) La. R.S. 37:698(A)(15), Presenting or attempting to use as one's own the license, certificate, seal, or stamp of another person;
- (e) La. R.S. 37:698(A)(17), Falsely impersonating any other licensee or certificate holder of like or different name; and
- (f) La. R.S. 37:681, Practicing or offering to practice land surveying without being licensed.
- (g) La. R.S. 37:700(A)(1), practicing or offering to practice land surveying in the state of Louisiana without being licensed; and
- (h) La. R.S. 37:700(A)(2), presenting or attempting to use as one's own the license, certificate, seal, or stamp of another person;
- (i) La. R.S. 37:700(A)(4) Falsely impersonating any licensee or certificate holder of like or different name; and

Wishing to dispense with the need for further disciplinary and enforcement action and to conclude the instant proceeding without further delay and expense, for the purpose of this proceeding only, Respondent and the Board do hereby enter into this Consent Order, in which Respondent of his own free will consents to the issuance of a Consent Order by the Board, wherein Respondent agrees to (a) pay a fine of Twelve Thousand and No/100 (\$12,000.00) Dollars, (b) pay administrative costs of One Thousand Thirty Seven and 31/100 (\$1,037.31) Dollars, (c) successfully complete the Board's online Louisiana Laws and Rules Quiz with a score of 95% or higher, (d) successfully complete the Board's online Louisiana Professionalism and Ethics Quiz with a score of 95% or higher; and (e) the publication of this Consent Order on the Board's website and a summary of this matter in the Board's official journal, the *Louisiana Engineer and Surveyor Journal*, and the reporting of this matter to the National Council of Examiners for Engineering and Surveying (NCEES), each publication or posting identifying Respondent by name.

Respondent admits that his conduct as set forth above constitutes violations of the above referenced laws and/or rules as stated herein. Respondent acknowledges awareness of said laws and/or rules and states that he will comply with all applicable laws and rules henceforth.

Respondent has been advised of his right to an informal conference, to be represented by counsel before the Board and/or to appear at any hearing personally or by counsel and present witnesses

and evidence in his own behalf, he hereby waives these rights and his right to appeal, and he states affirmatively that he has been afforded all administrative remedies due him under the law. Respondent further acknowledges awareness of the fact that the signed original of this Consent Order will remain in the custody of the Board as a public record and will be made available for public inspection and copying upon request.

Therefore, in consideration of the foregoing and by signing this Consent Order, Respondent does hereby waive his right to an informal conference, to a hearing before the Board, to the presenting of evidence and witnesses on his behalf, to Findings of Fact and Conclusions of Law in this case, and to judicial review of this Consent Order.

Respondent hereby represents that (a) he fully understands the meaning and intent of this Consent Order, including but not limited to its final and binding effect, (b) he has voluntarily entered into this Consent Order and that no other promise or agreement of any kind has been made to or with him by any person whatsoever to cause the execution of this instrument and (c) the sanctions set forth in this Consent Order do not prevent the Board from taking further disciplinary or enforcement action against Respondent on matters not specifically addressed in this Consent Order.

WHEREFORE, the Louisiana Professional Engineering and Land Surveying Board and Respondent agree that:

1. Respondent shall pay a fine of Twelve Thousand and No/100 (\$12,000.00) Dollars, which shall be tendered to the Board by certified check payable to the Board, due upon the signing of this Consent Order; and
2. Respondent shall pay administrative costs of One Thousand Thirty Seven and 31/100 (\$1,037.31) Dollars, which shall be tendered to the Board by certified check payable to the Board, due upon the signing of this Consent Order; and
3. Respondent shall successfully complete the Board's online Louisiana Laws and Rules Quiz with a score of 95% or higher and return it to the Board within ninety (90) days of the effective date of the Consent Order;
4. Respondent shall successfully complete the Board's online Louisiana Professionalism and Ethics Quiz with a score of 95% or higher and return it to the Board within ninety (90) days of the effective date of this Consent Order;

5. This Consent Order shall be published on the Board's website and a summary of this matter shall be printed in the official journal of the Board, the *Louisiana Engineer and Surveyor Journal*, and reported to the National Council of Examiners for Engineering and Surveying (NCEES), each posting or publication identifying Respondent by name; and

6. This Consent Order shall not become effective unless and until it is accepted and signed by and on behalf of the Board. Should the Board not accept and sign this Consent Order, it is agreed that presentation of this matter to the Board shall not prejudice the Board or any of its members, staff, attorneys or representatives from further participation, consideration, or resolution of any further proceedings herein.

LOUISIANA PROFESSIONAL ENGINEERING
AND LAND SURVEYING BOARD

DATE: 1/23/2023

BY: Donna D. Sentell
DONNA D. SENTELL, Executive Director

DATE: 10/20/2022

Beau A. Barbera
BEAU A. BARBERA, P.E., Respondent

Witnesses to the signature of
Beau A. Barbera, P.E.

M. Samuel Triche II
Print Name: M. Samuel Triche II

Sarah Legendre
Print Name: Sarah Legendre